

REMARKS

Claims 1-20 are pending in this application. Claims 5-13 and 18 are cancelled due to a restriction requirement.

Claim 1 is currently amended to delete non-elected subject matter. Additionally, claim 1 is amended to limit the definition of edible organic substance. Support for this amendment is located in paragraph [0019] of US 2006/0051478, the pre-grant publication of the instant invention.

Claims 14 and 15 are currently amended to be consistent with amended claim 1.

The specification is currently amended to make proper reference to the priority documents.

No new matter is added.

Claims 1-4, 14-17 and 19-20 are presented for reconsideration.

Claim Rejection – 35 USC 102(b)

Claims 1-4 and 14-17 are rejected under 35 USC 102(b) as being anticipated by Nesvadba (US 5,814,692).

Claim 1 is amended to limit the definition of edible organic substance. Support for this amendment is located in paragraph [0019] of US 2006/0051478, the pre-grant publication of the instant invention. The instant invention is directed toward a limited number of particular foodstuffs comprising the 3-arylbenzofuranones of component (i).

US 5,814,692 discloses 3-arylbenzofuranone compounds which are useful for the stabilization of plastics. The Examiner is directed to Examples 14 and 15 of US 5,814,692 for the stabilization of polyethylene and polypropylene. US 5,814,692 makes no reference or inference as to what type of foodstuffs could be envisaged.

Therefore, there is a clear line of demarcation between the amended claims 1-4 and 14-17 and US 5,814,692.

The present 35 USC 102(b) rejection is addressed and is overcome.

Claim Rejection – 35 USC 103(a)

Claims 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Nesvadba (US 5,814,692).

Claim 1 is amended to limit the definition of edible organic substance. Support for this amendment is located in paragraph [0019] of US 2006/0051478, the pre-grant publication of the instant invention.

Claim 1 of the instant invention is directed toward a limited number of particular foodstuffs comprising the 3-arylbenzofuranones of component (i). Claims 19 and 20 depend from claim 1.

US 5,814,692 pertains to the stabilization of plastics as evidenced in Working Examples 14 and 15. Nesvadba is totally silent with regard to what type foodstuffs could be envisaged. Therefore, the instant invention is unobvious to one skilled in the art because US 5,814,692 pertains the stabilization of plastics which is a completely different technical field than the foodstuffs of the instant invention.

Without knowledge of the instant invention, the skilled artisan would not apply the teachings of US 5,814,692 to foodstuffs. Hence, the Examiner's obviousness rejection is clearly hindsight.

In light of this discussion, the Applicants submit that the 35 USC 103(a) rejection is addressed and is overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejection.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,


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